

## INTERFERENCE DIGEST

Interference No. 105,494

Paper No.

Name: Jian Ni et al.

Serial No.: 09/340,690

Patent No.

Title: Human tumor necrosis factor receptor-like 2

Filed: 06/29/99

Interference with Spear et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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This should be placed in each application or patent involved in interference in addition to the interference letters.

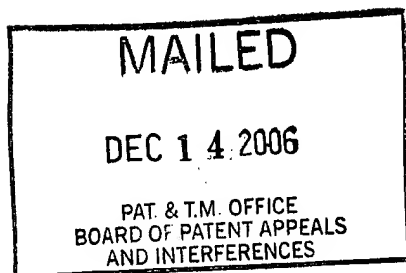


# UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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Filed by: Judge Richard Torczon  
Telephone: 571-272-4683  
Facsimile: 571-273-0042



Applicants: NI  
Application No.: 09/340,690  
Filed: 06/29/99  
For: Human tumor necrosis factor receptor-like 2

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,494.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard Torczon/  
RICHARD TORCZON  
Administrative Patent Judge

1 BoxInterferences@uspto.gov

2 Telephone: 571-272-4683

Paper 1

DECLARED 14 December 2006

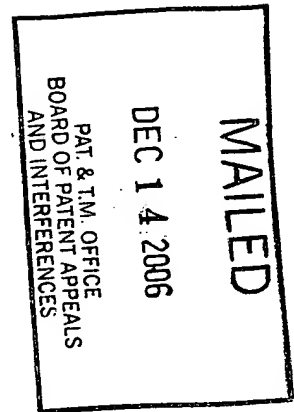
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4 UNITED STATES PATENT AND TRADEMARK OFFICE  
5 BOARD OF PATENT APPEALS AND INTERFERENCES  
6

7 Patent Interference No. 105,494 (RT)  
8 (From Technology Center 1600)  
9

10 HUMAN GENOME SCIENCES, INC.  
11 and SmithKline Beecham Corporation  
12 (08/741,095 and 09/340,690),<sup>1</sup>  
13 Junior Party,  
14

15 v.

16 NORTHWESTERN UNIVERSITY  
17 (6,291,207 and 6,303,336),<sup>2</sup>  
18 Senior Party.  
19  
20



21 DECLARATION - Bd.R. 203(b)<sup>3</sup>

22 By TORCZON, Administrative Patent Judge.

23 A. Declaration of interference

24  
25 An interference is declared pursuant to 35 U.S.C. 135(a). Details of the applications,  
26 patent, count, and claims designated as corresponding to the count appear under headings E  
27 and F of this DECLARATION.

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<sup>1</sup> Docket ## 1488.0770004 and 1488.0770007, respectively.

<sup>2</sup> Docket ## NOR3446P0020 and 10147-1U1. The National Institutes of Health may also have an interest in the case.

<sup>3</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           B.     Designation to manage

2  
3           Administrative Patent Judge Richard Torczon has been designated to manage the  
4 interference. Bd. R. 104(a).

5           C.     Standing order

6  
7           A copy of the Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
8 DECLARATION. The STANDING ORDER applies to this contested case.

9           D.     Conference call to set dates

10  
11          A telephone conference call to set dates for action in this contested case is scheduled for  
12 **2 p.m. (Eastern) on 21 February 2007.** (The Board will initiate the call.)

13          No later than **19 February 2007**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list  
14 of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15          A sample schedule for taking action during the motion phase appears as Form 2 in the  
16 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference  
17 call and to agree on dates for taking action. A typical motion period lasts approximately eight  
18 (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

1 E. The parties to this interference

2  
3 Junior Party

4 Applications: 08/741,095 and 09/340,690

5 Title: Human tumor necrosis factor receptor-like 2

6 Inventors: Jian Ni of Rockville, Craig A. Rosen of Laytonsville, and Reiner L. Gentz of  
7 Silver Spring, all three of Maryland; and Sally Doreen Patricia Lyn of West  
8 Chester and Mark Robert Hurle of Norristown, both of Pennsylvania.

9 Senior Party

10 Patent: 6,303,336 and 6,291,207

11 Title: Herpes virus entry receptor protein

12 Inventors: Patricia G. Spear of Chicago and Rebecca I. Montgomery of Hinsdale, both of  
13 Illinois.

14 F. Count and claims of the parties

15  
16 Count 1: An isolated polynucleotide comprising—

17 Northwestern SEQ ID NO 1 from nucleotide position 294 to

18 nucleotide position 1142 or

19 HGS SEQ ID NO 25 from nucleotide position 123 to nucleotide  
20 position 608.

21 Count 2: The protein of Northwestern SEQ ID NO 2 or HGS SEQ ID NO 26.

22

23

24

The claims of the parties are:

HGS & al.: 08/741,095: 186-230

09/340,690: 27-38, 45-50, 57-62, 81-86, and 175-196

Northwestern: 6,291,207: 1-23

6,303,336: 1-26

The claims corresponding to Count 1:

HGS & al.: 08/741,095: 186-230

09/340,690: 27-38, 45-50, 57-62, 81-86, and 175-196

Northwestern: 6,291,207: 1-17 and 19-23

6,303,336: 1-26

The claims corresponding to Count 2:

HGS & al.: 08/741,095: 186-230

09/340,690: 27-38, 45-50, 57-62, 81-86, and 175-196

Northwestern: 6,303,336: 1-26

The claims not corresponding to either count:

HGS & al.: None

Northwestern: 6,291,207: 18

The benefit accorded for Counts 1 and 2:

HGS & al.: 09/340,690, filed 29 June 1999;

08/741,095, filed 30 October 1996.

Northwestern: 09/333,279, filed 15 June 1999; and

08/509,024, filed 28 July 1995.

1           G.     Heading to be used on papers; exhibit numbers

2  
3           Addendum 1 provides the heading that shall be used on all papers filed in the contested  
4 case. See SO ¶ 106.1.1.

5           The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

6                     Northwestern: 1001-1999.

7                     HGS & al.:     2001-2999.

8           H.     Order form for requesting file copies

9  
10          When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite  
11 processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a  
12 hand-drawn circle around the patents and applications for which a copy of a file wrapper is  
13 requested.

14  
15 Attachment: Copy of the application<sup>4</sup> claims for 08/741,095 and 09/340,690.

16  
17 Enclosure: Copy of STANDING ORDER (Paper 2)

18  
19 cc (overnight delivery):

20  
21 For Human Genome Sciences, Inc., and SmithKline Beecham Corporation: Kenley Hoover,  
22 HUMAN GENOME SCIENCES, INC., of Rockville, Maryland.

23  
24 For Northwestern University: MEDLEN & CARROLL LLP of San Francisco, California.

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<sup>4</sup> Any United States patent listed in this paper is available at <http://patft.uspto.gov/>.

**ADDENDUM 1**

Filed on behalf of: [Name of Party]  
By: [Name of lead counsel  
Name of backup counsel  
Street address  
City, State, and ZIP Code  
Tel:  
Fax: ]

Paper No. [Leave blank]

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

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Patent Interference No. 105,494 (RT)

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HUMAN GENOME SCIENCES, INC.  
and SmithKline Beecham Corporation  
(08/741,095 and 09/340,690),  
Junior Party,

v.

NORTHWESTERN UNIVERSITY  
(6,291,207 and 6,303,336),  
Senior Party.

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TITLE OF PAPER



**ADDENDUM 2**

**FILE COPY REQUEST**  
Patent Interference No. 105,494

Attach a copy of sections E and F of this DECLARATION to this REQUEST. On the copy, circle each patent and application that you are requesting. Include the following information to facilitate processing of this REQUEST:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_

2. Complete address<sup>5</sup>, including street, city, state, and ZIP code:

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3. Telephone number including area code: \_\_\_\_\_

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<sup>5</sup> Provide a street address, NOT a Post Office Box. The Office of Public Records uses a commercial overnight delivery service rather than the United States Postal Service to deliver file copies.